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09/070,604	04/30/1998	EDWARD B. KNUDSON	UV-54	4617

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EXAMINER

VU, NGOC K

ART UNIT

PAPER NUMBER

2611

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15

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/070,604

Applicant(s)

KNUDSON ET AL.

Examiner

Ngoc K. Vu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 February 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-64 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-64 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>13</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-5, 8-13, 15, 16, 18-20, 22, 23, 25, 28-32, 33-37, 40-45, 47, 48, 50-52, 54, 55, 57 and 60-64 are rejected under 35 U.S.C. 102(e) as being anticipated by Alexander et al (US 6,177,931 B1).

Regarding claim 1, Alexander discloses a system in which an interactive television program guide is implemented on user television equipment comprising: means for presenting a program guide screen (10) containing a program listings region (22) with the interactive television program guide; means for presenting at least one banner advertisement adjacent to the program listings (for instance: 14, 16 or 52); and means for allowing a user to scroll the program listings region by positioning a highlight on the banner advertisement and activating a cursor while the highlight is on the banner advertisement (Alexander does disclose the feature of scrolling up or down through the program listings. Alexander further discloses that a virtual channel ad slot 52 appears as a row in the grid guides and remains on the screen at all times as the up and down arrow keys are pressed, so the ad remains in view at all times. In addition, figures 1, 3-5 show the virtual channel ad slot is highlighted. Thus, the virtual channel ad slot 52 is highlighted and remains in view at all times as the up and down keys are presses for scrolling

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the program listings)(see figures 1-2; col. 4, lines 49-56; see col. 15, lines 56-57; col. 22, lines 20-29, 42-47).

Regarding claims 2-4, Alexander discloses presenting a banner advertisement that contains text, graphics and video (see col. 13, 48-50).

Regarding claim 5, Alexander discloses that display 10 is generated by a television receiver (see col. 3, lines 1-7; col. 5, line 42).

Regarding claim 8, Alexander discloses presenting a selectable banner advertisement adjacent to the program listings (presenting highlighted ad window) (see col. 13, lines 64-67).

Regarding claim 9, Alexander discloses presenting an embedded advertisement (channel ad) in the program listings region (see col. 22, lines 20-25).

Regarding claims 10 and 11, Alexander discloses presenting a selectable embedded advertisement in the program listings region (presenting highlighted channel ad). Further regarding claim 11, Alexander discloses that the channel ad is inserted between channels in the grid (see col. 22, lines 42-47).

Regarding claim 12, Alexander shows presenting a selectable logo on the program guide screen (for example, channel ad graphics may include channel logo) (see col. 24, lines 50-54).

Regarding claim 13, Alexander discloses presenting an advertisement containing advertisement options on the program guide screen (for instance, presenting icons for specialized guide information or connecting to Internet) (see col. 18, lines 19-37).

Regarding claim 15, Alexander discloses presenting a selectable banner advertisement (presenting highlighted panel ad), and tuning to a given channel when the user selects the banner advertisement (if a panel ad is highlighted, has show information associated with it, and

the advertised show is currently on, the user may tune directly to the related program by pressing button on the remote) (see col. 21, lines 39-44).

Regarding claim 16, Alexander discloses providing the user to record a program when the user selects the banner advertisement (see col. 21, 55-67).

Regarding claim 18, Alexander discloses providing the user with an opportunity to display program listings when the user selects the banner advertisement (displaying channels in the grid while user highlights the ad by pressing arrow keys) (see col. 4, lines 49-56).

Regarding claim 19, Alexander discloses displaying additional information when the user selects the banner advertisement (for instance, when viewer highlights the ad window, the additional information is displayed in the detail box) (see col. 13, lines 64-67).

Regarding claim 20, Alexander discloses processing an inquiry for additional information when the user selects the banner advertisement (presenting icon on the ad indicates there is more information available for that ad) (see col. 26, line 14-18).

Regarding claim 22, Alexander discloses that each time a user scrolls below the 9*x channel slots, a new "hard page" appears, wherein a hard page is defined as an area comprising 9 channel slots, all Guide screens are made up of "hard pages" and each hard page may have different Panel ads associated with it (see col. 20, lines 54-65; col. 26, lines 42-44).

Regarding claim 23, Alexander discloses that a tile for a normal program listing scrolls off the screen the up and down arrow keys are pressed. In contrast, a channel ad 52 in the grid guide 22 remains on the screen at all times as the up and down arrow keys are pressed, so the ad remains in view at all times (see col. 22, lines 42-47).

Regarding claim 25, Alexander discloses Alexander shows presenting a selectable logo on the program guide screen (for example, channel ad graphics may include channel logo) (see col. 24, lines 50-54); and navigating the highlight from the program listings region to the

selectable logo (move cursor for highlighting between the channel grids and the channel ad with channel logo) (see col. 22, lines 34-47).

Regarding claims 28 and 29, Alexander discloses that the panel ad area, 12 and 16, may change over time, e.g. very x seconds rotating through a plurality of different graphical or textual ad executions in the panel ad space (see col. 22, lines 4-6).

Regarding claims 30-32, Alexander discloses displaying automatically an embedded advertisement, a selectable embedded advertisement, or a selectable embedded program advertisement in the program listings region immediately adjacent to an associated one of the program listings in the program listings region (displaying a virtual channel ad slot for a ad for an television program in the grid guide 22) (see col. 22, lines 20-49).

Regarding claims 33-37, 40-45, 47, 48, 50-52, 54, 55, 57 and 60-64, a method for using an interactive television program guide in claims 33-37, 40-45, 47, 48, 50-52, 54, 55, 57 and 60-64 corresponds to a system of interactive television program in claims 1-5, 8-13, 15, 16, 18-20, 22, 23, 25 and 28-32, respectively. Therefore, claims 33-37, 40-45, 47, 48, 50-52, 54, 55, 57 and 60-64 are rejected by the same reasons as applied to claims 1-5, 8-13, 15, 16, 18-20, 22, 23, 25 and 28-32. See the interpretation of claims 1-5, 8-13, 15, 16, 18-20, 22, 23, 25 and 28-32 above.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 24, 26, 27, 56, 58 and 59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alexander et al (US 6,177,931 B1).

Regarding claim 24, Alexander discloses displaying an embedded advertisement in the program listings region (see col. 22, lines 20-37). Alexander further discloses highlight a viewer selection is to add animation to the selected component or a portion of the EPG (see col. 3, lines 50-54) but does not specifically disclose using animation for introducing the embedded advertisement into the program listings region. Official Notice is taken that using animation for generating graphics is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art to modify Alexander by using animation for generating advertising in the form of graphics in order to present the advertisement in a more visually appealing manner.

Regarding claim 26, Alexander does not disclose displaying two embedded advertisement in the program listings region. Official Notice is taken that displaying more than one advertisement to provide more option viewing the advertising information is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art to modify Alexander by displaying two advertisements in order to provide users more option viewing the advertising information.

Regarding claim 27, Alexander discloses displaying a description box on the program guide screen when user selects the banner advertisement (see col. 21, lines 16-18; col. 26, lines 11-14). Alexander does not disclose "the description box covering only a portion of program listings region." Official Notice is taken that displaying the additional information associated with the selected advertisement on a portion of program listings region is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art to modify Alexander by displaying the additional information associated with the selected advertisement on a portion of program listings region in order to allow users viewing the channel program

schedule and reading the additional information related to the advertisement without scrolling back and/or next screen.

Regarding claims 56, 58 and 59, a method for using an interactive television program guide in claims 56, 58 and 59 corresponds to a system of interactive television program in claims 24, 26 and 27, respectively. Therefore, claims 56, 58 and 59 are rejected by the same reasons as applied to claims 56, 58 and 59. See interpretation of claims 24, 26 and 27 above.

5. Claims 6, 7, 14, 17, 21, 38, 39, 46, 49 and 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alexander at al in view of Knee at al (US 5,589,892 A).

Regarding claims 6 and 7, Alexander discloses the system providing television program, program guide and advertising information (see col. 1, lines 37-40). Alexander does not specifically disclose the system comprising distribution facility, video server and network nodes. However, Knee discloses that a television distribution system including a central data management system 602 for distributing television programming; video servers 604 for providing data streams including television program and EPG data to the user television equipment 605; a plurality of network nodes for use providing the television programming to the user television equipment (see figure 58; col. 46, lines 7-24). Therefore, it would have been obvious to one of ordinary skill in the art to modify Alexander including a television distributing system for distributing program schedule and television program to multiple users as taught by Knee in order to widely distribute the broadcast program to users.

Regarding claim 14, Alexander does not disclose enabling a viewer to set a reminder when the user selects the banner advertisement. However, Knee discloses at a pre-determined time before the selected program start time, the micro-controller 16 will retrieve schedule information and will instruct the VDG 23 to display a reminder overlay message 140 on the television receiver 27, as shown in figure 14, to remind the user that he or she previously set a

reminder to watch the selected program (see col. 16-17, 57-5). Therefore, it would have been obvious to one of ordinary skill in the art to modify Alexander by enabling a viewer to set a reminder as taught by Knee in order to remind the viewer the selected program is about to start.

Regarding claim 17, Alexander discloses that an ad for a future telecast program is displayed in window 14 (see col. 4, lines 28-30). Alexander does not disclose providing the user with an opportunity to purchase a program. However, Knee shows an impulse ordering menu that appears on a television screen in figure 9, for instance, menu for ordering HBO channel. Therefore, it would have been obvious to one of ordinary skill in the art to modify Alexander by displaying a menu for providing the user with an opportunity to order a program as taught by Knee in order to allow user easily and quickly order a desired program.

Regarding claim 21, Alexander discloses providing an ad for a product displayed in window 16 (see col. 35-43), but Alexander does not disclose enabling a viewer to order a product. However, Knee discloses receiving the request from the users to order the product or service associated with a program listing (see col. 41, lines 17-33). Therefore, it would have been obvious to one of ordinary skill in the art to modify Alexander by receiving the request from the users to order the product or service associated with a program listing as taught by Knee in order to allow the viewers remotely ordering the product or service while watching TV programming.

Regarding claims 38, 39, 46, 49 and 53, a method for using an interactive television program guide in claims 38, 39, 46, 49 and 53 corresponds to a system of interactive television program in claims 6, 7, 14, 17 and 21, respectively. Therefore, claims 38, 39, 46, 49 and 53 are rejected by the same reasons as applied to claims 6, 7, 14, 17 and 21. See interpretation of claims 6, 7, 14, 17 and 21 above.

Response to Arguments

6. Applicant's arguments filed 2/27/03 have been fully considered but they are not persuasive.

Applicant argued that with the Alexander technique, listings are not scrolled while the highlight is on panel advertisement or channel advertisement. This argument is not persuasive.

Alexander does disclose the feature of scrolling up or down through the program listings (see col. 15, lines 56-57). Alexander further discloses that a virtual channel ad slot 52 appears as a row in the grid guides and remains on the screen at all times as the up and down arrow keys are pressed, so the ad remains in view at all times (see col. 22, lines 20-29, 42-47). In addition, figures 1, 3-5 show the virtual channel ad slot is highlighted (also see col. 18, lines 1-6). Thus, the virtual channel ad slot 52 is highlighted and remains in view at all times as the up and down keys are pressed for scrolling the program listings.

Therefore, Alexander teaches the feature of program listings are scrolled by activating a cursor while the highlight is on the banner advertisement as in claims 1 and 33.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ngoc K. Vu whose telephone number is 703-306-5976. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on 703-305-4380. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-0377.

NV
May 19, 2003



VIVEK SRIVASTAVA
PATENT EXAMINER